

Minutes of the Planning Commission meeting held on Thursday, April 4, 2013 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Tim Taylor, Vice-Chair  
Jim Harland  
Phil Markham  
Vicki Mackay  
Scot Woodbury  
Chad Wilkinson, Division Manager  
Ray Christensen, Senior Planner  
Mark Boren, Assistant Planner  
G.L. Critchfield, Deputy City Attorney  
Citizens

Excused: Karen Daniels, Chair  
Maren Patterson

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Tim Taylor opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures. Mr. Taylor made note that item #5 on this agenda, Painting with A Twist, has been withdrawn.

#### APPROVAL OF MINUTES

Mr. Markham made note of a change in the minutes for the March 21, 2013 on page 5, paragraph 3. The name should read David Kirk, not Davis Kirk. Mr. Markham then made a motion to approve the minutes of March 21, 2013 with the change stated. Mr. Woodbury seconded the motion.

A voice vote was made. Motion passed 5-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### APPROVAL OF FINDINGS OF FACT

Mr. Harland made a motion to approve the Findings of Fact for a Conditional Use Permits for Five Stone Auto Sales and Alex's Auto Sales from the meeting on March 21, 2013.

Seconded by Ms. Mackay.

A voice vote was made. Motion passed 5-0.

#### ROBBY RUSSO – 523 East Spruce Glen Road – Project # 13-38

E. Robby Russo was the applicant present to represent this request. Mark Boren reviewed the location and request for a Conditional Use Permit for an accessory

dwelling unit, in the basement of the existing dwelling for the property addressed 523 East Spruce Glen Road. Municipal Code Ordinance 17.78.030 allows an accessory dwelling unit within the R-1-8 zoning district subject to Conditional Use Permit approval. The proposed accessory dwelling unit will have approximately 840 sq. ft. which is within the 40% of the main dwelling unit allowed. The information submitted by Mr. Russo indicates there are two finished bedrooms, a kitchen, and a bathroom. In addition to the standards for development, approval of an accessory dwelling unit requires submittal of evidence that the unit is the principal residence of the owner and an affidavit stating that the owner of the property will live in either the principal or accessory unit. The code for accessory dwelling units require 2 additional off-street parking spaces besides those required for the principal unit and in no case shall be less than 4 spaces. The house has a three car garage. Additional vehicle parking space is located on the driveway and a concrete pad adjacent to the garage. The submitted information shows adequate space available for off-street parking. The setbacks are compliant to the R-1-8 zone requirements. The landscaping is in compliance to the R-1-8 zone regulations. Access to the property is from Spruce Glen Road. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

E. Robby Russo, 523 Spruce Glen stated staff represented his case very well. Mr. Taylor asked Mr. Russo if he has reviewed the conditions and is able to comply. Mr. Russo responded in the affirmative.

The meeting was opened for public comment. No comments were made by the public and the public comment portion of the meeting was closed.

Mr. Woodbury made a motion to approve a Conditional Use Permit for an accessory dwelling unit, in the basement of the existing dwelling at the property addressed 523 East Spruce Glen Road, subject to the following conditions:

1. The project shall meet all applicable building and fire code standards. The units will be required to have hard wired interconnected smoke detectors and carbon monoxide alarms per R314.3 and R315.1.
2. The applicant shall submit evidence that the property is their principal residence and shall submit an affidavit stating that they are the owner of the property and that they will live in either the primary or accessory unit as their principal residence. Once the affidavit has been approved by City staff, it shall be recorded against the property. A copy of the recorded affidavit shall be provided to the Community and Economic Development staff.
3. Separate utility meters shall not be allowed.
4. Meet all Power, Water, and Sewer Dept. requirements.
5. Parking for the residential units shall be off-street in compliance with the ADU regulations.
6. Submit floor plan of basement to include use of rooms, dimensions, location of

smoke alarms, etc. for a basement finish permit.

Mr. Harland seconded the motion.

Call vote recorded by Mark Boren.

A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Vicki Mackay  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 5-0.

UTAH USED CAR SALES – 304 West Quail Trax Place – Project # 13-43

Lee and Tiffany Henrikson were the applicants present to represent this request. Mark Boren reviewed the location and request for a Conditional Use Permit for auto sales for the property addressed 304 West Quail Trax Place. Municipal Code Ordinance 17.152.030 allows auto sales within the M-G-C zoning district subject to Conditional Use Permit approval. The applicant is requesting a Conditional Use Permit for auto sales inside the building which has previously been used for office/warehouse uses. The applicant has indicated that auto repair will not be a part of the new business. The applicant has indicated they will store the vehicles for sale inside the building and not in the parking lot. The floor plan shows the building contains 832 sq. ft. of office space and 4620 sq. ft. warehouse space which requires 9 parking stalls, which are provided with the existing parking on the site. Due to the limited exterior parking stalls for the various business uses on the property and in order to meet the minimum parking requirements, the parking of vehicles for sale is limited to vehicles parked only inside the building. The building meets the required setbacks for the M-G-C zone. The site has existing landscaping which was previously approved with the existing development. Access into the property is from Commerce Drive. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Harland asked Mr. Boren why detailing was not permitted. Mr. Boren stated the Water & Sewer Department would require some modifications and a sand trap to be present if they were washing the vehicles.

Lee and Tiffany Hendrikson, 7107 South 400 West #5, made note they are excited to come to Murray. Mr. Taylor asked Mr. Hendrikson if he has had a chance to review the conditions of approval and is able to comply. Mr. Hendrikson responded in the affirmative and made note they use an outside detailing company to do all their work off site. He also stated it is in their lease that they are not allowed to use water in the building as there is no drainage inside.

The meeting was opened for public comment. No comments were made by the public and the public comment portion of the meeting was closed.

Mr. Markham made a motion to approve a Conditional Use Permit for auto sales at the property addressed 304 West Quail Trax Place, the business of Utah Used Car Sales, subject to the following conditions:

1. The project shall meet all applicable building and fire code regulations. Note: The structure is not approved for auto repair.
2. The project shall meet all current fire codes.
3. The project shall meet all water and sewer department requirements.
4. Adequate parking shall be provided and striped on the site to meet parking ordinance regulations found in Chapter 17.72, including a disabled stall to meet ADA regulations. Due to the limited exterior parking for this business use the parking of vehicles for sale is limited to inside the building only.
5. All trash containers shall be screened as required by Section 17.76.170.

Seconded by Mr. Woodbury.

Call vote recorded by Mark Boren.

A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Vicki Mackay  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 5-0.

MARISSA'S BOOKS – 5664 South 900 East #8 – Project # 13-44

Cindy Dumas was the applicant present to represent this request. Mark Boren reviewed the location and request for a Conditional Use Permit for used book sales for the property addressed 5664 South 900 East #8, at the 9<sup>th</sup> Street Marketplace. Municipal Code Ordinance 17.160.030 allows used book sales within the C-D-C zoning district subject to Conditional Use Permit approval. The applicant is using the existing building located in the existing shopping center and is not planning to do any remodeling. The site has adequate parking for the proposed retail sales business use in this shopping center. The shopping center has adequate open parking that is shared with various business uses on site. The building complies with the required setback for the C-D-C zone. The site is landscaped to comply with the landscaping requirements at the time the development was constructed. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Cindy Dumas, 5930 South 450 East, stated she has read the conditions of approval and is able to comply.

The meeting was opened for public comment. No comments were made by the public and the public comment portion of the meeting was closed.

Mr. Harland made a motion to approve a Conditional Use Permit for used book sales for Marissa's Books at 5664 South 900 East #8, subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall comply with current fire codes.
3. The applicant shall comply with business license requirements.

Ms. Mackay seconded the motion.

Call vote recorded by Mark Boren.

A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Vicki Mackay  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 5-0.

PC LAPTOPS – 5324 South State Street – Project # 13-45

Melvin Sweeney was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit for an electronic message center sign for the property addressed 5324 South State Street. Municipal Code Ordinance 17.48.200 allows an electronic message sign use within the C-D-C zoning district subject to Conditional Use Permit approval. The applicant is requesting a Conditional Use Permit to locate an electronic message sign on the existing sign pole on the State Street property frontage. The existing pole sign is used by multiple businesses in this development. The proposed electronic message sign will be located at the top of the pole sign. The electronic message sign is 4 feet high by 10 feet wide which complies with the sign area requirements including the other signage on the pole. The electronic message sign plans will need to be modified to show a minimum 2 foot setback from the front property line. Existing parking stalls are provided on the site as approved by the Planning Commission with the original site plan approval. The proposed sign location does not change parking stalls. The proposed sign is required to meet a 2 foot minimum setback from the property line. The landscaping is provided on site as approved by the Planning Commission with the original site plan approval. Access is provided from the driveway on the west side of State Street. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Melvin Sweeney, 4792 South Plum Street is with Wasatch Sign and Lighting. Mr. Taylor asked if he has had a chance to review the 3 conditions of approval and able to



comply. Mr. Sweeney replied in the affirmative. He feels this sign will bring more revenue to Murray as well as update the look of the sign and clean up the corner.

Mr. Harland asked who owns the sign. Mr. Sweeney stated the owner of the property, Larry Papadopoulos owns the sign.

The meeting was opened for public comment. No comments were made by the public and the public comment portion of the meeting was closed.

Mr. Woodbury made a motion to approve a Conditional Use Permit for an electronic message center sign at the property addressed 5324 South State Street for PC Laptops, subject to the following conditions:

1. The sign shall meet all applicable building code standards. The applicant shall provide engineering information to confirm the existing pole is capable of supporting the additional load of the electronic message center.
2. The sign shall meet all current fire codes.
3. The sign shall meet the applicable sign code provisions of Sections 17.48.160 and 17.48.200 related to sign setback, brightness of the sign, etc. The sign plans will need to be modified to show a 2 foot minimum setback from the front property line.

Mr. Markham seconded the motion.

Call vote recorded by Ray Christensen.

A \_\_\_\_ Tim Taylor  
A \_\_\_\_ Jim Harland  
A \_\_\_\_ Phil Markham  
A \_\_\_\_ Vicki Mackay  
A \_\_\_\_ Scot Woodbury

Motion passed, 5-0.

MURRAY AUTO SALES – 4315/4319 South State Street – Project # 13-46

There was no applicant present to represent this request. This request is from Murray Auto Sales for a Conditional Use Permit. Chad Wilkinson reviewed the location and request to construct a new 5,050 sq. ft. building at an existing auto sales use at 4319 South State Street. The property was annexed from Salt Lake County. Municipal Code Ordinance 17.160.030 allows motor vehicle sales use within the C-D-C zoning district subject to Conditional Use Permit approval. The applicant is proposing to demolish the existing structures on site and construct a new building to house an auto dealership/auto repair business. The applicant proposes a total of 41 parking spaces. The Code requires a total of four spaces per 1,000 sq. ft. for office space. The proposed site will have a total of 1,623 sq. ft. of office space which will require 7 parking stalls. Murray Code requires one space for every 750 sq. ft. of sales floor area

and the proposed amount of sales floor is 3,037 which will require 5 stalls. Murray code also requires three stalls per repair bay. The proposed number of repair bays is 8, which will require 24 parking stalls. The proposed 41 spaces meet the minimum requirements of the parking ordinance. A disabled person parking space meeting the minimum standards of the Code will also be required to be provided. The proposed building will be required to meet the minimum 20 ft. front setback. The applicant shows 10 ft. of landscaping along State Street. The parking area abutting the north property line will need to be modified to allow for the required 5 ft. wide landscape area where parking abuts the property line. The applicant proposes access from an existing driveway on State Street. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Taylor made note the applicant was not present.

Mr. Harland asked if the applicant is aware there are more conditions for approval than previously stated on the staff report. Mr. Wilkinson stated the applicant was present at the plan review meeting where the building official was more specific, but the applicant has not seen them in staff report form.

The meeting was opened for public comment. No comments were made by the public and the public comment portion of the meeting was closed.

Mr. Markham asked what procedure is when an applicant is not present. Mr. Taylor noted, the applicant is not required to be present, but by not showing up they do not have the opportunity to represent themselves. Mr. Taylor stated concern that the applicant hadn't seen the additional conditions, but later stated he was satisfied that the applicant did attend the plan review meeting. Mr. Wilkinson stated the conditions are more informational as they are required at the time of obtaining a building permit whether they are included as a condition or not.

Mr. Markham made a motion to approve a Conditional Use Permit to construct a new 5,050 sq. ft. building at an existing auto sales use at the property addressed as 4315 South State Street, subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The applicant shall provide stamped and sealed soils report from geo-technical when submitting for a building permit.
3. The applicant shall provide plans stamped and sealed by the appropriate design professionals to include code analysis and egress plan.
4. The project shall meet all current fire codes.
5. A formal landscaping plan meeting the requirements of the Murray Municipal Code shall be submitted and approved by the Community and Economic Development staff and installed as approved prior to occupancy. The plan shall show landscaping adjacent to the property line on the north side of the

property where parking is adjacent the property line.

6. The trash container shall be screened as required by Section 17.76.170.

Ms. Mackay seconded the motion.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Vicki Mackay  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 5-0.

SCOTT VAN LEEUWEN – 332 West Martin Lane – Project # 13-48

Jon Reimann was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for an electronic message sign for the property addressed 332 West Martin Lane. Municipal Code Ordinance 17.48.200 allows an electronic message center sign within the M-G-C zoning district subject to Conditional Use Permit approval. The proposed sign will be 35 ft. high. The electronic message sign size will be 10 ft. high by 30 ft. wide. The sign will be located at the west side of the property adjacent to I-15. The plan will need to comply with all of the standards contained in section 17.48.200 of the Murray City Zoning code related to display time, lighting intensity and restrictions on off premise advertising. The sign meets the setback requirements for the M-G-C zone. Access to the property is from Martin Lane. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Jon Reimann, 3479 West Ricky Drive, stated he is the project's architect and representing the applicant. Mr. Taylor asked Mr. Reimann if he has had a chance to review the conditions of approval and is able to comply. Mr. Reimann responded in the affirmative and stated as the site plan shows, the area consists of several lots and the applicant is trying to connect some properties together and increase the size of some of these buildings.

Mr. Woodbury asked if the sign is approved, would all the buildings and businesses be able to use that one sign. Mr. Reimann responded by stating only the properties that are connected with project. Mr. Wilkinson stated only businesses that are on that property may be on that sign. If the property is broken up into separate parcels, they would not be able to use the same sign. Mr. Reimann made note the applicant is making an office warehouse park.

The meeting was opened for public comment.

Traci Johanson, 2956 Mount Spring Road, asked if the sign could be built before the



property it is parceled out. She also asked if the existing sign would be allowed to remain. Mr. Wilkinson made note that in order for this to be considered a legal on-premise sign, it has to advertise for businesses on that specific property. Right now the property is broken up into several different smaller properties. The code is specific in that separate properties under the same ownership are not considered on-premise, therefore in order to advertise on that sign the business must be within the same boundaries of that property. Properties that are separated by a right-of-way or easement are not considered to be on-premise. For this reason, the applicant is working towards consolidating some of the parcels. Once the properties are consolidated, it would be allowed to have more than one sign as designated by Murray City's sign code and subject to the Planning Commission's approval.

Mr. Harland asked if there was a frontage of 400 ft. could three signs be allowed. Mr. Wilkinson stated there needs to be a 200 ft. separation and there is a maximum limitation of 300 sq. ft. Mr. Wilkinson made note that enforcement regarding who is allowed on that sign is done through the business licensing department.

Ms. Johanson asked for a copy of minutes. Mr. Wilkinson made note those minutes will be posted on-line or they can be obtained through a GRAMA Request. Ms. Johanson wanted to express her concern as this property owner has done illegal advertising in the past.

Melvin Sweeney, 4792 South Plum Street, stated he is with Wasatch Sign and Lighting. He stated his concerns were about the sign being almost as large as a billboard. Right now there is a sign that is within 400 feet of this proposal that has IG Signs on it, who incidentally isn't a tenant of the property as well as there being an electronic message center that was mounted on it without there being a Conditional Use Permit. He stated that he does not oppose an electronic message center going in, but he feels they need to comply with the City's standards. Mr. Wilkinson commented that the reason for this hearing is for enforcement action to be taken. It has been recognized by the City there is an illegal electronic message center that was installed without a permit and doesn't meet the City's standards for on-premise signs. At this point the City has requested that sign be turned off. The plan would be for this sign to take the place of that sign. IG Signs has applied for a business license for this property. Mr. Wilkinson made note that the City is always happy to respond and follow up on concerns from neighbors.

Mr. Sweeney wanted it to be known that there are no buildings where the IG Signs is currently located.

The public comment portion of the meeting was closed.

Mr. Reimann stated the owner did go through a licensed sign company and they made a mistake. The owner would like to make this right and is working with the City to meet all the requirements.

Mr. Harland made a motion to approve a Conditional Use Permit for an electronic message sign at the property addressed 332 West Martin Lane for the applicant Scott Van Leeuwen, subject to the following conditions:

1. The project shall meet all applicable building code standards and permit requirements.
2. The project shall meet all sign code requirements for electronic message center signs found in section 17.48.200 of the Murray City Municipal Code.
3. The applicant shall provide stamped and sealed engineer calculations, confirming existing pole is capable of supporting the additional load from the new sign.

Mr. Markham seconded the motion.

Call vote recorded by Chad Wilkinson.

A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Vicki Mackay  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 5-0.

FRED JONES – 5918 South 700 West – Project # 13-41

Fred Jones was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Murray Zone Map amendment from A-1 (Agriculture) to R-1-8 (Residential Single Family Low Density) for the property addressed 5918 South 700 West. The proposed zone change from an A-1 zone to an R-1-8 zone is consistent with the Murray General Plan for a change to residential single family low density. After completion of the zone map change, the applicant plans to subdivide the property into eight residential lots. The property is located at the west side of 700 West Street within the A-1 zone. Various permitted uses are allowed in the A-1 zone such as dwellings and accessory uses, field crops, orchards and vineyards, cattle, horses, chickens, rabbits, apiaries, aviaries, pasture and rangeland, and other agriculture uses. Other uses allowed by Conditional Use Permit include uses such as churches, schools, public parks, libraries and farm variety animals (commercial). Various permitted uses are allowed in the R-1-8 zone such as dwellings and accessory uses, garages, carports and other uses for private recreation and gardening. Other uses allowed by Conditional Use Permit include uses such as churches, schools, public parks, and libraries. The strip of property on the north side is planned to be incorporated into this property and is going through the City Council for vacating of that strip. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the Murray City Council for the requested zone change from A-1 to R-1-8 because it is consistent with the Murray General Plan.

Fred Jones, 2429 Haven Lane, stated that many different options have been looked at for this property and he wanted to compliment staff for their hard work through this

process.

The meeting was opened for public comment. No comments were made by the public and the public comment portion of the meeting was closed.

Mr. Markham stated it is encouraging to know the strip of property to the north is being pursued. Mr. Taylor made note the Commission is not approving a site plan at this meeting.

Ms. Mackay made a motion to forward a recommendation of approval to the Murray City Council for the requested zone change from A-1 (Agricultural) to R-1-8 (Residential Single Family Low Density) at the property addressed 5918 South 700 West.

Mr. Markham seconded the motion.

Call vote recorded by Ray Christensen.

A \_\_\_\_\_ Tim Taylor  
A \_\_\_\_\_ Jim Harland  
A \_\_\_\_\_ Phil Markham  
A \_\_\_\_\_ Vicki Mackay  
A \_\_\_\_\_ Scot Woodbury

Motion passed, 5-0.

#### OTHER BUSINESS

There was no other business.

Meeting adjourned.



Chad Wilkinson, Manager  
Community & Economic Development